

**Tobacco Revenue, Use Spending and Tracking Commission
Office of Tobacco Education and Prevention Program (TEPP)**

May 10, 2006

Native American Community Health Center
3008 North 3rd Street
Phoenix, Arizona 85012

MINUTES

Members Present: Matthew Madonna – Chairman
Linda Bailey
Dr. Wil Counts
Rosa Garcia (by phone)
Dr. Shelly Hall
Dr. Keith Kaback (by phone)
Dr. Hugh Miller (by phone)
Dr. Babak Nayeri
Bill Pfeifer

Members Absent: Benton Davis
Dr. Kelly Hsu
Librado M. Ramirez
Dana Russell
Bertha Sepulveda

ADHS Staff: Patricia Tarango – Office Chief, TEPP
Emma Viera-Negron – Senior Epidemiology Manager, TEPP
Vatsal Chikani – Epidemiologist, TEPP
Byron Homer – Administrative Service Officer III, TEPP
Jean-Robert Jeoffroy – Community Outreach Coordinator, TEPP
Teresa Koehler – Administrative Assistant III, TEPP

Presenters: Patricia Tarango – Office Chief, TEPP
Kevin Ray – Assistant Attorney General, Attorney General’s Office
Charles Easaw – Senior Legal Assistant, Attorney General’s Office

Public Attendees: Michele Walsh - TEPP/University of Arizona
Donna Beedle – Maricopa County
Toby Urvater – Maricopa County
Susan McCraw Helms – Salt River Pima Maricopa Indian Community

Call to Order

Tele-conferencing connection made: Rosa Garcia, Dr. Kaback, and Dr. Miller join the meeting.

Mr. Madonna, TRUST Commission Chairperson, called the meeting to order at 10:10 am ... welcome the TRUST members and visitors. Mr. Madonna announces that a quorum is present.

Mr. Madonna: Reviewed agenda items to include changes. Explained the guidelines, procedure regarding public commentary related to the “Speaker’s Slip”. The public commentary section is limited to five minutes at the end of the meeting and that time is divided up between the number of individuals wishing to speak. The slips are given to Teresa Koehler. Teresa is the coordinator and timekeeper for the public comment.

Unfinished Business: Open Meeting Law and Conflict of Interest

Mr. Madonna: Introduced Kevin Ray, Assistant Attorney General, AGO.

Mr. Ray: Introduction to Open Meeting Law. Introduced Charles Easaw, Senior Legal Assistant, to present on the Open Meeting Law.

Mr. Easaw: Presented on Open Meeting Law

- ▶ Legislative Intent: always operate your meetings in favor of “Openness.” If you are unsure of whether you should or should not, the rule is to not unless you are in a public meeting.
- ▶ The Golden Rules of Open Meeting Law
- ▶ Public Bodies
- ▶ Meeting [A.R.S. §38-431 (4)]: a meeting is defined as a gathering in person or through technological devices of a quorum of members of a public body at which they discuss, propose, or take legal action, including any deliberations by a quorum with respect to such action.
- ▶ Notice of Public Meetings: post at least, twenty-four hours before, to include date, time, place of the meeting and must include an agenda or how to obtain a copy of the agenda.
- ▶ Agenda: must list the specific matters to be discussed, decided, or considered at the meeting. The public body may only discuss, deliberate, or take legal action on matters listed on the agenda and other matters reasonably related to a specific item on the agenda.
- ▶ Minutes: must be taken of all public meetings and public sessions, except that of subcommittees and advisory committees. Minutes shall include date, time, and place of the meeting; record members present or absent; general description of the matters considered, even if no formal action was taken.; and a description of all legal action taken.
- ▶ Call to the Public: may make an open call to the public. At the conclusion of the call to the public, the members may respond to criticism, ask staff to review a

matter, or ask that the matter be put on a future agenda. The members shall not discuss or take legal action regarding matters raised during an open call to the public unless the matters were properly noticed for discussion or legal action.

- ▶ Executive Sessions: is a closed door session of the public body. The public may not participate in executive sessions. Executive session is memorialized in minutes, is confidential, and with limited exceptions, may not be disclosed to anyone. May only be utilized for seven specific statutory purposes.
- ▶ Splintering the Quorum: no splintering the quorum is allowed. Splintering the quorum is a separate or serial discussion by a quorum of the public body in order to circumvent public discussion.
- ▶ Emails: use of e-mail among a quorum of a public body is subject to the same restrictions that apply to all other forms of communication among a quorum. Example: Proposing legal action by itself, by one of you and you send an email to all the others members, without a response, is enough to constitute a potential violation of the Open Meeting Law. "Taking legal action" is defined a collective decision by the body to do something. This can be a discussion, deliberation of or a proposal to a collective action of the body.
- ▶ Be Aware of Risks in E-mail Use
- ▶ Advisory Note: To ensure compliance with the Open Meeting Law you may include the following statement to the end of your email ... *Recipients of this message should not forward it to other members and board members should not reply to this message.*
- ▶ Consequences of Violations of the Open Meeting Law
- ▶ Conclusion
- ▶ Questions and Answers
- ▶ Executive Session Notice: The agenda would include a statement that reads, "As needed, the body may go into Executive Session, pursuant to A.R.S. Section 38-431.03 (A) (3), to consider the retention of existing Commission members and/or to consider nomination of new Commission members." Another example would be to receive legal advice from attorney on Open Meeting Law issues.

Mr. Ray: Discussed "Conflict of Interest"

- ▶ Overview
- ▶ Legal Standards
- ▶ Statement of Interest form

Approval of Minutes

Mr. Madonna: Asked for a motion to approve the minutes of the March meeting as distributed.

Dr. Nayeri: Motion

Dr. Counts: Second

Mr. Madonna: Asked if there are any discussions, questions, or corrections.

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Rosa Garcia: Page 2, we are having the meeting May 10 instead of May 8, 2006.

Mr. Madonna: Any other corrections?

Linda Bailey: Page 8; remove Dr. Nayeri from item 3.

Mr. Madonna: Asked if there were any other question, comments, or changes to the minutes as distributed. If not, all those in favor of accepting the minutes say, “Aye”. All say, “Aye”. Minutes for the May meeting approved.

Chairman’s Report

Mr. Madonna: Requested that Mr. Pfeifer provide the Commission with an update on the Early Childhood Education and Smoke Free Arizona.

Mr. Pfeifer: Reported that there is nothing new with the exception that both are continuing on with the process.

Physical Activity Break – cancelled.

Lunch (11:45 a.m. – 12:20 p.m.)

Chairman’s Report, continued.

Mr. Madonna: Announced that Bertha Sepulveda has resigned from the Commission.

Mr. Madonna: Suggested that Bertha’s unexpired term be filled rather than abolished.

All Members: Agreed

Mr. Madonna: Reminded members that sending a substitute participate are not allowed by the by-laws, only elected members can participate.

Mr. Madonna: Clarified that the TEPP program will not provide funding to a National Conference unless the Conference is mandatory and asked for member discussion.

All Members: Agreed

Mr. Madonna: Announce that the nominating committee chair would speak on new nominations.

Ms. Bailey: Provided overview of members whose terms will be expiring this year.

- ▶ Five to expire – three year terms
- ▶ Use Executive Session (one hour at next meeting)
- ▶ Re-nominate
- ▶ New candidates

Mr. Madonna: Suggested that all new candidates be presented to the Director of Arizona Department of Health Services prior to the Commission voting or taking action.

Mr. Madonna: Motioned that the members whose terms are due to expire stay on the Commission until replacement is appointed and/or until the nominating committee's work is complete.

Dr. Counts: Second

Mr. Madonna: All those in favor of accepting say, "Aye". All say, "Aye". Approved.

Discussion regarding the nominating process occurred.

Mr. Madonna: Announced that members need to discuss telephone communication.

Ms. Garcia: Expressed that for those who live outside of the Phoenix area, the option is help.

Dr. Kaback: Stated that he agreed with Ms. Garcia.

Ms. Tarango: Stated that a 72 hour notice prior to the Commission meeting be given to TEPP staff by Commission members who are requesting that telephone conferencing services be provided.

Dr. Nayeri: Suggested that a limited number of face to face meetings and a certain number of telephone communications.

Ms. Bailey: Suggested that two of the six meeting be mandatory for all members to physically attend and that the other four meetings be optional.

Discussion of meeting format occurred.

Mr. Madonna: Announced that a consensus has been reached regarding the yearly face to face meetings. There will be two. The first will be in March and the other will be in September.

Mr. Madonna: Asked for next meeting location.

Ms. Tarango: Suggested ASU Downtown

Dr. Nayeri: Suggested United HealthCare or Native American Health Community Center

Discussion of meeting format occurred.

Mr. Madonna: Introduced Patricia Tarango, Office Chief

Office Chief's Report

Ms. Tarango: Announced TEPP organizational changes.

- ▶ TEPP Staff Update
 - Vacancies:
 - Senior Health Marketing Manager (Interim Marketing Director hired.)
 - Public Relations Manager
 - Multicultural Health Marketing Manager
 - Senior Program Manager
 - Statewide Program Coordinator
 - Health Educator
 - Administrative Assistant III
 - Filled
 - Administrative Services Officer III – Byron Homer
 - Epidemiologist – Vatsal Chikani
- ▶ CDC Activities
 - TEPP April 2006 Site Visit
 - ADHS May 2006 Site Visit
 - Regional Meeting
- ▶ Statewide Plan
 - Proposed Budget
 - Proposed Scope of Work ... discussion occurred

Mr. Madonna: Summarized the following ...

- ▶ A ten or twenty year plan with specific targets for prevention and cessation.
- ▶ Activities outlined in community, education, media, statewide, local that are all going to be supporting the accomplishments of the two major goals for cessation and prevention.
- ▶ Reduce the number of smokers to X number and identify some kind of indicator to track the change among non-users.
- ▶ To involve various other institutions, individuals, CBO, local health departments, cancer centers, tribes, doctors, hospitals, etc. to participate.
- ▶ Some will facilitate in bring them together and see what the target are, and then developing a five year plan out of which comes the annual plans, ten year plan of activities with specific, measurable, realistic, and obtainable goals that will support getting to those targets in the end.
- ▶ The people who are invited to participate are challenged not only to come to the table and to discuss and develop the plans but to actually buy into and take a piece of the responsibility for making those things happen.

Ms. Bailey: Mentioned that some of these issues can up during the review process of the TEPP Strategic (Office) Plan and express the idea that returning to the original draft would help. In addition, she expressed the belief that having meeting around the state would help facilitate developing the partnerships that will be needed to have a successful Statewide Plan.

Mr. Madonna: Agreed that traveling to outside community and having public meeting would assist in the development and implementation of the Statewide plan.

Ms. Bailey: Suggested posting the draft plan to website for review and comment. This would allow partners to assist in the development of the plan.

Ms. Garcia: Agreed

Ms. Tarango: continued

- ▶ Statewide Plan, continued
 - CDC Resources
- ▶ Operational Plan Update
 - Identifying activities and developing timelines for the goals and objectives with the strategies.
 - Develop training and technical assistance.

Members: Suggested adding additional topics to Tobacco 101

- ▶ Tobacco and Politics, 2010/2020, Federal/State Relationships, Networking with other States, and Tobacco and the Law.

Ms. Tarango: continued

- ▶ Chronic Disease Update
 - Request for Grant Application
 - Request for Proposal
 - Acute Stroke Care Plan for Arizona – Symposium May 25, 2006
- ▶ Financial Update
 - Revenues, Expenditures
 - Previous Dollars
 - 2007 Projected Budget
- ▶ Interim Secondhand Smoke Campaign Update
 - Launch Summary
 - New Ads
 - Bubbles, Jasmine, Playpen, Stop Smoking
 - Editorial Statement
 - Added Value Statement
- ▶ Biennial Report
 - Due Date ... November 15, 2006
 - Draft ... Table of Content
 - TRUST ... input discussion

Public Commentary

Mr. Madonna: Asked Teresa, do we have any public comments or questions?

Ms. Koehler: Replied, “Yes.”

Mr. Madonna: Introduced Michele Walsh.

Ms. Walsh: Spoke about the Western States (10) Tobacco Evaluation Consortium.

Mr. Madonna: Introduced Donna Beedle.

Ms. Beedle: Announce that Maricopa County Department of Public Health will submit a nomination to the Commission.

Mr. Madonna: Introduced Susan McCraw Helms.

Ms. McCraw Helms: Spoke about the Statewide Plan specifically regarding local project, the prevention program.

Meeting Evaluation and Agenda Planning

Mr. Madonna – I will accept the **motion to adjourn** at 3:35 pm. Motion carried.

TRUST Meeting Items

► May 10 meeting items that need to be addressed by, for the July meeting:

1. Teresa ... mail AGO's handout to those members who were absent.
2. Patricia ... call Kevin Ray to request that he draft some language that will be referenced on future agendas to cover the Executive Session notice as needed for nominating Commission members.
3. Patricia, Kevin ... setup a meeting with Linda Bailey and Matt Madonna to discuss Executive Sessions. (How to post to the agenda item that an Executive Session will occur via telephone, email for the purpose of nominating new members.)
4. Teresa ... to add "Executive Session" notice to agenda to cover personnel matters, specifically appointees and public officers.
5. Teresa ... to locate and provide the Statement of Interest form for TRUST members to complete and file with Department.
6. Teresa ... to add advisory note: To ensure compliance with the Open Meeting Law you may include the following statement to the end of your email ... ***Recipients of this message should not forward it to other members and board members should not reply to this message.***
7. Teresa ... to email members regarding March and September (starting at 8:00) meeting dates/times include meeting location.
8. Patricia ... request extension for TRUST Annual Report currently due July 2006
9. Teresa ... to send out the draft TRUST Annual Report as a public document (post to web) for review and comment by members. Draft post by June 15. Comments back by June 30.
10. Patricia and Matt ... conference call with CDC regarding facilitator.

11. Patricia ... to talk to Linda regarding funding (CDC, NCI) for facilitator
12. Emma ... to add Tobacco and Politics, 2010/2020, Federal/State Relationships, Networking with other States, and Tobacco and the Law.
13. Emma ... to talk to Michele Walsh regarding data on tax dollars. Why is there an increase in buying? What is the increase in stamp purchases? Packs per smoker?
14. Emma ... update on Biennial Report, more detail in the Table of Content, present more focus on the overall program, not so much on evaluation; include result of GASO, Secondhand Smoke, and Through with Chew. Draft due in September
15. Teresa ... to contact DOR to present to TEPP
16. Dr. Nayeri ... to contact Dr. Miller to join Meeting Committee

► **May 10, 2006 ... new agenda items for July meeting:**

1. Chairperson's question to the members.
2. Add a new standing item to the agenda for the "Nominating Committee" to stay on the agenda until all expired terms are filled (allow one hour).
3. Statement of Interest form
4. Add Emma Viera to discuss Operational Plan and Biennial Report
5. Add an item for the Meeting Committee
6. Revise by-law to include attendance requirement, unexcused absents
7. TRUST Annual Report
8. Executive Session Update
9. Chronic Disease - funding

► **Meeting Committee: Mr. Madonna, Ms. Tarango, Dr. Nayeri, and Dr. Miller**

- Develop TRUST Commission meeting guidelines
- Logistics ... telephone conferencing and participation
- Six meetings: two meeting face to face (spring and fall) and four optional
- The two meeting to be specific ... one at the same time as CTFA, other in March
- Members give seventy-two hour notice to TEPP if requesting telephone conferencing
- Meeting location, moving the meetings to different locations
- Tighten up agenda, more action items, half day meeting (full morning or afternoon).

The TRUST Commission is a public meeting. In compliance with the State's open meetings laws, the recorded minutes for the May 2006 TRUST Commission meeting are available to the public three working days after the meeting. Please contact the TRUST Coordinator at the Office of Tobacco Education and Prevention Program, 602-364-0824, to make arrangements to hear the recorder minutes.

Patricia Tarango
Office Chief
Office of Tobacco Education and Prevention Program
Arizona Department of Health Services

Chairperson opening question to members ...

Question: Name one thing that you would like to see that would improve, enhance, or make the TRUST meeting and your participation in them more meaningful and concrete contributions. How can we make the meetings better?

- Mr. Pfeifer would like to see more action items for the Commission. He recognizes that although updates are necessary to keep members informed, he believes that the Commission should provide input; it is their purpose. He suggests that the agenda be re-structured to include actions for the Commission, as well as the updates to keep them informed.
- Dr. Hall would like the Commission to visit other locations in Arizona to see first hand the rural communities' programs.
- Dr. Kaback doesn't want to feel like he is just receiving information, updates. He would like more action involved, would like Commission to divide up some of the issues and assign those issues to sub-group(s) who would then be allowed to concentrate on specific detail and become more expert in and then, report back to the Commission to help guide the Commission in a decision.
- Dr. Miller would like better telephone communications support; he sits on other boards that do not have these problems. He believes that the Commission has struggled because of member turnover. He has no solution for that. He believes that the high turnover has created the need for more meetings without much forward momentum, much productivity. He doesn't feel like the Commission has accomplished that much in the last six months.
- Rosa Garcia frustrated because she can not make it to Phoenix as often as she would like. She believes that face to face is a more effective way to communicate with the other members. She would like to see the meetings at different locations, areas so that the Commission can get to know the programs better.
- Patricia Tarango ... to Mr. Pfeifer's point, she has items on the agenda today that she is hoping to get some input, discussion, and direction from the Commission on. She is looking forward to being able to utilize the skills and expertise that the Commission has.
- Mr. Madonna frustration is participation; it is not just turnover as Dr. Miller mentioned. Would like to see a firmer commitment from all the members to participate.
- Dr. Nayeri believes that we have made progress and believes that we continue to make progress. We participated in the kick off the Secondhand Smoke Campaign. However, improvement is good. I agree with the other members that more action items are needed.
- Linda Bailey believes that additional action items are a great idea and would like to know about the items twenty four to fourth eight hours before the meeting. She thinks the idea of feeling that we are here for meaningful work in some way is connected with participation, attendance, a willingness to go out of the way to participate, and to take time for the schedule. She believes that making the meetings more meaningful will help us with participation.